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13 INSURANCE COMPANY, NEW HAMPSHIRE  
14 INSURANCE COMPANY and THE INSURANCE  
15 COMPANY OF THE STATE OF PENNSYLVANIA

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

19 CLEARWATER INSURANCE  
COMPANY,  
20 Petitioner,  
21 vs.  
22  
23 GRANITE STATE INSURANCE  
COMPANY, NEW HAMPSHIRE  
INSURANCE COMPANY, and THE  
INSURANCE COMPANY OF THE  
STATE OF PENNSYLVANIA,  
24  
25 Respondents.  
26  
Case Nos: C06 4472 (SI)  
C06 4500 (SI)  
C06 4501 (SI)  
C06 4502 (SI)  
  
**JOINT CASE MANAGEMENT  
CONFERENCE STATEMENT AND  
REQUEST TO VACATE OR CONTINUE  
CASE MANAGEMENT CONFERENCE**  
  
**Date: October 27, 2006**  
**Time: 2:00 p.m.**  
**Dept: Courtroom 10**  
**Hon. Susan Illston**

1       The parties in the above-entitled actions jointly submit this Case Management Statement  
2 and request to vacate or continue the Case Management Conference in this case, as further set  
3 forth below.

4       The four petitions to compel arbitration, referenced above, arise out of a series of disputes  
5 between Clearwater Insurance Company ("Petitioner") and Granite State Insurance Company,  
6 New Hampshire Insurance Company and The Insurance Company of the State of Pennsylvania  
7 (collectively "Respondents") pursuant to arbitration clauses in four reinsurance agreements.

8       Both Petitioner and Respondents agree that, under the terms of the four reinsurance  
9 agreements, their pending disputes are subject to arbitration in accordance with the Federal  
10 Arbitration Act, 9 U.S.C. Section 4. By these petitions, Petitioner sought an order compelling the  
11 appointment of a third arbitrator under the procedure set forth in the reinsurance agreements at  
12 issue. Respondents opposed the Petitions on procedural grounds, but does not contend that the  
13 underlying disputes are subject to arbitration.

14       The Petitions came on regularly for hearing on September 29, 2006, and the Court's order  
15 was filed on October 2, 2006, directing the parties to exchange slates of third arbitrator  
16 candidates, in accordance with the procedures set forth in the agreements, by November 1, 2006.  
17 *10/02/06 Order, p. 5.1-6.*

18       In the meantime, a Case Management Conference has been scheduled in all four cases for  
19 October 27, 2006. The parties have not filed a Stipulation and Proposed Order selecting an  
20 ADR process, or exchanged initial disclosures under Rule 26(f) of the Federal Rules of Civil  
21 Procedure, or developed a proposed discovery plan or trial schedule, because none of these  
22 procedural mechanisms will apply to this dispute. Instead, due to the nature and limited scope of  
23 the relief sought by these Petitions, the parties hereby jointly request that Court vacate the  
24 scheduled Case Management Conference, or continue the Case Management Conference until  
25 after the parties have proceeded with the exchange of arbitrator candidate slates under the  
26 schedule set forth in the Court's October 2, 2006 Order.

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28       ///

1  
2 DATED: 10/05/06 Respectfully submitted,  
3  
4 CRAIG & WINKELMAN LLP

5 By: Robin Craig  
6 Robin D. Craig, Esq.  
7 Counsel for Petitioner CLEARWATER  
8 INSURANCE COMPANY

9  
10 Of Behalf of Counsel *pro hac vice*:  
11 Ira J. Belcove, Esq.  
12 Butler, Rubin, Saltarelli & Boyd  
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14 Chicago, Illinois 60602  
15 (312) 444-9660

16  
17 DATED: 10/05/2006 MILBANK, TWEED, HADLEY & McCLOY LLP

18 By: Michael Haravon  
19 Michael Haravon, Esq.  
20 Counsel for Respondents GRANITE STATE  
21 INSURANCE COMPANY, NEW HAMPSHIRE  
22 INSURANCE COMPANY and THE INSURANCE  
23 COMPANY OF THE STATE OF PENNSYLVANIA

24 IT IS HEREBY ORDERED THAT the Case Management Conference presently scheduled  
25 for October 27, 2006 at 2:00 p.m. is VACATED.

26 /OR/

27 IT IS HEREBY ORDERED THAT the Case Management Conference presently scheduled  
28 for October 27, 2006 at 2:00 p.m. is CONTINUED to December 15, 2006 2 p.m.  
29 at \_\_\_\_\_, 2006 at \_\_\_\_\_.

30 Dated: \_\_\_\_\_

31 Susan Illston  
32 Hon. Susan Illston  
33 Judge of the U.S. District Court